

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

vs.

Case No.: 3:00-43-022(PG)

JOSE LUIS PIERETI-CARABALLO

* * * * *

**MOTION NOTIFYING NEW CHARGES AND REQUESTING A MODIFICATION OF
SUPERVISED RELEASED CONDITIONS**

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
UNITED STATES DISTRICT COURT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, HUMBERTO MARCHAND, United States Probation Officer of this Court, presenting an official report on the conduct of the offender, José L. Piereti-Caraballo, who on July 10, 2002, was sentenced to serve a sixty-month imprisonment term concurrently with a state sentence, to be followed by a four-year supervised release term, after he plead guilty of violating 21 U.S.C. Section 846; to wit: Conspiracy to possess with intent to distribute at least 500 grams but less than two kilograms of cocaine, a Class "B" felony.

Mr. Piereti has been on supervision since July 30, 2004. On January 28, 2005, the offender was authorized to move to the District of Massachusetts, so he could explore employment opportunities and reside with his uncle.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

Re: José L. Piereti-Caraballo
Case No. 00-43-22

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1. STATUTORY CONDITION - “ THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”

2. STATUTORY CONDITION - “THE DEFENDANT SHALL NOT POSSESS A FIREARM, DESTRUCTIVE DEVICE, OR ANY OTHER DANGEROUS WEAPON”.

We received notification from the U.S. Probation Office in the District of Massachusetts indicating that Mr. José L. Piereti-Caraballo, was arrested along with his uncle on March 28, 2005 and charged with Assault with a Dangerous Weapon, in New Bedford District Court . The complaint describes an altercation with a pedestrian crossing a street, while the offender was a passenger in his uncle’s vehicle, allegedly driving towards the a local social security office. The complaint alleges that Mr. Piereti grabbed a metal pipe and a knife from inside the vehicle to scare away the pedestrian. He was released on bail and continues to be supervised in the District of Massachusetts. The disposition hearing is pending this coming July.

In addition, and based on his mental health history documented in his pre-sentence report, we understand that Mr. Piereti’s supervised release conditions should be modified to include mental health services. He voluntarily agreed to this modification and as such, he signed Probation Form 49 - Waiver of Hearing to Modify Conditions of Supervised Release, which is hereby attached.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct, and in lieu of the aforementioned, it is requested that the Court be duly notified of offender’s new arrest and request a modification of conditions to include Mental Health Treatment. The Court will be notified of the final disposition of the charge.

Re: José L. Piereti-Caraballo
Case No. 00-43-22

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In San Juan, Puerto Rico, this 18th day of May 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Humberto Marchand
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: U.S. Attorney's Office and defense attorney Thomas R. Lincoln-San Juan, Esq.

At San Juan, Puerto Rico, May 18th, 2005

s/Humberto Marchand
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HM/mgm